

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY cf D.C.
05 OCT 25 AM 10:01
TOLAN W. WOOD
CLERK U.S. DISTRICT COURT
W.D. OF TN JACKSON

DAVID PEARSON,

Petitioner,

VS.

TONY PARKER,

Respondent.

Ø
Ø
Ø
Ø
Ø
Ø
Ø
Ø

No. 05-1302-T/An

ORDER DIRECTING PETITIONER TO FILE AN *IN FORMA PAUPERIS*
AFFIDAVIT OR PAY THE HABEAS FILING FEE

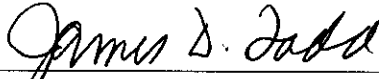
Petitioner David Pearson, Tennessee Department of Correction prisoner number 142282, an inmate at the Northwest Correctional Complex ("NWCX") in Tiptonville, Tennessee, filed a *pro se* petition pursuant to 28 U.S.C. § 2241 on October 11, 2005.¹ The Clerk shall record the respondent as NWCX warden Tony Parker.

A habeas petition carries a filing fee of \$5.00. 28 U.S.C. § 1914(a). Pearson's petition is not accompanied by either the filing fee or a motion to proceed *in forma pauperis*. Accordingly, Pearson is ORDERED to either submit a properly completed *in forma pauperis* affidavit demonstrating his indigency, along with an inmate trust fund account statement,

¹ Although the petition states, on its face, that it is brought pursuant to 28 U.S.C. § 2241, the case was mistakenly docketed as a petition pursuant to 28 U.S.C. § 2254. The Clerk is directed to correct the docket to reflect that this is a § 2241 petition.

or pay the \$5.00 filing fee within thirty (30) days after the entry of this order. The Clerk is directed to mail a copy of the prisoner *in forma pauperis* affidavit to petitioner along with this order.² Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 24th day of October, 2005.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE

² In the interest of expediting this matter, petitioner is advised that, if his inmate trust fund account has a balance of at least \$25.00, an application to proceed *in forma pauperis* will be denied, and he will be required to pay the \$5.00 filing fee.



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 1:05-CV-01302 was distributed by fax, mail, or direct printing on October 26, 2005 to the parties listed.

David Pearson
Northwest Correctional Complex
142282
950 State Route 212
Tiptonville, TN 38079

Honorable James Todd
US DISTRICT COURT